

Construction Stormwater Antidegradation Checklist – Version 1.3

This checklist is intended to be used as guidance for evaluating any portion of your construction site that is located with a watershed that is identified by the Department¹ or the EPA, as a Tier II for antidegradation purposes. This Checklist ²is acceptable for use in documenting your antidegradation review and ensuring protection of Tier II resources during construction. This form, or other appropriate written evaluation, may be uploaded with your NOI or provided to the Industrial Stormwater Permits Division at the Maryland Department of the Environment. The information provided to the Department addressing the antidegradation review shall be clearly marked on the erosion and sediment control (E&SC) plan and approved by the appropriate approval authority pursuant to COMAR 26.17.01.

Project Name: _____

General Permit Number (MD): _____ **OR, if not available,**

County or State ESC Plan Identifier: _____

County: _____ **Site Map #** _____ **Parcel #** _____

Applicant Signature: _____ **Date Completed:** _____

<p>Do all Tier II watersheds impacted by the proposed activity have assimilative capacity⁽¹⁾? If the proposed activity is to a stream segment which doesn't have assimilative capacity, you will need to consult with the Department's Tier II staff on available options and list the findings here. Comments: _____ _____ _____</p>	Yes/No
<p>Has this project completed, or is currently undergoing, a Tier II Review? If yes, please provide the information listed below:</p> <ul style="list-style-type: none"> ● If the approval requires any additional, special conditions; ● For what permit was the review completed; ● When was the review completed or initiated; and ● Was the project was submitted under any other names for the Tier II Review. <p>Comments: _____ _____ _____</p>	Yes/No
<p>Were any waivers granted by the Approval Authority for stormwater controls for this project? For projects in Tier II watersheds, waivers need to be fully justified in light of the potential to impact</p>	Yes/No

¹ Use the interactive Tier II webmap located at: <https://mdewwp.page.link/Tier2Map> to assist you. On the map, Tier II watersheds colored orange have NO assimilative capacity.

² Alternative forms may be approved by the Department, if they contain the information in this checklist.

<p>water quality. A waiver that was granted that could lead to degradation would require modeling or other evidence that the lack of stormwater controls will not impact the receiving waters.</p>	
<p>Verify whether you will meet the following minimum Stabilization Criteria. After initial soil disturbance or redisturbance, permanent (2011 ESC Handbook Section B-4-5) or temporary (2011 ESC Handbook Section B-4-4) stabilization is required within:</p> <ul style="list-style-type: none"> i. Three (3) calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical (3:1); and ii. Seven (7) calendar days as to all other disturbed areas on the project site except for those areas under active grading. 	Yes/No
<p>Verify Increased Inspection Frequency for activity within Tier II Watershed. For any portion of the site that discharges to a water that is identified by the Department as Tier II for antidegradation purposes, more frequent inspections are beneficial. Will you inspect at least once every four (4) calendar days?</p>	Yes/No
<p>Verify Piles are located outside the Stream Protection Zone. For stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil (2011 ESC Handbook Section B-4-8), locate the piles outside of any Stream Protection Zones.</p>	Yes/No
<p>Were there any E&SC exemptions to the requirements for Protections in the Stream Protection Zone below? Note: The list of potential exemptions are listed at the end of this checklist. If exemptions were applicable make sure to include them in the plan.</p> <p>Comments: _____ _____ _____</p>	Yes/No
<p>Have you Verified your Stream Protection Zone Considerations below? All additional controls selected in Compliance Alternative 2, to meet the Stream Protection Zone Considerations below shall be clearly marked on the erosion and sediment control (E&SC) plan and approved by the appropriate approval authority pursuant to COMAR 26.17.01. You are required to document in your E&SC plan where the natural buffer width that is retained (where you are implementing alternative 1 below) and you must document the reduced width of the buffer you will be retaining and document the additional erosion and sediment controls you will use (where you will be implementing alternative 2 below).</p> <p>Comments: _____ _____ _____</p>	Yes/No
<p>Stream Protection Zone Alternative 1: Provide and maintain an undisturbed natural buffer within the Stream Protection Zone (an average of 100 feet from edge of stream).</p> <p>Comments: _____ _____ _____</p>	Yes/No
<p>Stream Protection Zone Alternative 2: Provide and maintain an undisturbed natural buffer that is less than an average of 100 feet and is supplemented by additional erosion and sediment controls. The acceptable additional erosion and sediment controls include, but are not limited to, those listed in the 2011 ESC Handbook. Those controls are accelerated stabilization, redundant controls, upgraded controls, passive or active chemical treatment, or a reduction in the size of the grading unit. These options are</p>	Yes/No

<p>provided below, which are the controls that must be considered and, once selected, implemented when construction activity occurs within these Stream Protection Zones. The local approval authorities may provide additional options that provide similar protection. Check each that apply below.</p> <p>Comments: _____</p> <p>_____</p> <p>_____</p>	
<p><input type="checkbox"/> a: Accelerated Stabilization Requirements</p> <p>Earth disturbance must be stabilized as soon as possible and as dictated by the approved plan (e.g., seed and mulch, soil stabilization matting, rip rap, sod, pavement):</p> <ul style="list-style-type: none"> ● At a minimum, all perimeter controls (e.g., earth dikes, sediment traps) and slopes steeper than 3:1 require stabilization within three calendar days and all other disturbed areas within seven calendar days ● Accelerated stabilization (e.g., same day stabilization) may be required based on site characteristics or as specified by the approval authority <p>Comments: _____</p>	
<p><input type="checkbox"/> b: Redundant Controls</p> <p>Runoff must pass through two sediment control devices in series. The following are examples of possible combinations:</p> <ul style="list-style-type: none"> ● When dewatering sump areas or sediment traps or basins, discharge sediment laden water first to a portable sediment tank and then a filter bag ● Install parallel rows of a perimeter filtering control or a combination thereof of silt fence, super silt fence, and filter logs (e.g., two rows of parallel silt fence or a row of filter log parallel to a row of super silt fence) <p>Comments: _____</p>	
<p><input type="checkbox"/> c: Upgrade Controls</p> <p>The following are examples of possible upgrades:</p> <ul style="list-style-type: none"> ● Upgrade from silt fence to super silt fence ● Upgrade from temporary stone outlet structure to temporary gabion outlet structure ● Upgrade all sediment traps and basins to control additional storage volume; increase the required storage volume from 3,600 cubic feet/acre to 5,400 cubic feet/acre ● Upgrade standard inlet protection type A to type B and at grade inlet protection to gabion inlet protection <p>Comments: _____</p>	
<p><input type="checkbox"/> d: Passive or Active Chemical Treatment</p> <p>The use of chemical additives requires permit coverage and considerations related to potential aquatic toxicity. https://mdewwp.page.link/ChemAddReview.</p>	

Comments: _____ _____
<input type="checkbox"/> <i>e: Reduction in the Size of the Grading Unit</i> <ul style="list-style-type: none"> ● Require grading unit limitations to 10 acres of earth disturbance inside the Stream Protection Zone ● Require grading unit limitations to 20 acres for any earth disturbance that is adjacent to and contiguous with earth disturbances inside the Stream Protection Zone Comments: _____ _____
<input type="checkbox"/> <i>f: Prerogative of Approval Authorities</i> <p>The additional controls described above for projects in Stream Protection Zones are examples of accelerated stabilization, redundant controls, upgraded controls, passive or active chemical treatment, or a reduction in the size of the grading unit. Approval authorities may use these examples as a guide when approving projects, but may also apply further erosion and sediment control measures based on local site conditions and best professional judgment.</p> Comments: _____ _____

Exemptions to the requirements for Protections in the Stream Protection Zone:

- The following disturbances within the Stream Protection Zone are exempt from the requirements of this guidance:- Construction approved under a CWA Section 404 permit; or- Construction of a water-dependent structure or water access areas (e.g., pier, boat ramp, trail).
- If there is no discharge of stormwater to Waters of this State through the area between the disturbed portions of the site and receiving waters, you are not required to comply with the requirements in this guidance. This includes situations where you have implemented control measures, such as a berm or other barrier, which will prevent such discharges.
- Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in this guidance.

Where some natural buffer exists but portions of the area within the Stream Protection Zone are occupied by preexisting development disturbances, you are required to comply with the requirements in this guidance. Clarity about how to implement the compliance alternatives for these situations is provided upon request from the Department.

- For “linear construction sites” , you are not required to comply with this requirement if site constraints (e.g., limited right-of-way) make it infeasible to implement one of the above compliance alternatives, provided that,

to the extent feasible, you limit disturbances within Stream Protection Zone. You must also document in the Checklist your rationale for why it is infeasible for you to implement one of the above compliance alternatives, and describe any buffer width retained and supplemental erosion and sediment controls installed.